

**Town of Frederick
Town Board**



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IM 2009- 013

**TO ADOPT A PROCEDURAL PRACTICE TO REQUIRE SUBMISSION OF FENCE AND
ACCESSORY BUILDING PLANS FOR REVIEW BY THE BUILDING OFFICIAL;
ESTABLISHING A REVIEW FEE; AND ADOPTING PENALTIES FOR FAILURE TO
COMPLY**

Agenda Date: Town Board Meeting – June 9, 2009

Attachments:

- a. Draft Resolution.
- b. Denver City/County Fence Review Process
- c. Boulder County Fence Permit
- d. Jefferson County Fence Permit.

Issue/Request:

Town staff has identified instances where consultation with the Building Code and staff prior to construction of a fence or accessory storage building would have led property owners to avoid code violations and remedial expenses. Even though the Building Code does not require a formal building permit for these constructions, it could be valuable for the Town to adopt a review process for fence and detached accessory building plans.

Submitted by:

Jason Overholt
Chief Building Official

Approved for Presentation:

Town Administrator

AV Use Anticipated

Projector _____ Laptop _____

Certification of Board Review:

Town Clerk

Date

Detail of Issue/Request:

Article 18 (Building Code) of the Town of Frederick Municipal Code, exempts fences six feet and under off-grade and detached accessory storage buildings on residential property from the requirements of a building permit. Nevertheless, the Building Official and Code Enforcement Officers have identified various instances where consultation with Town staff prior to construction of a fence or accessory storage building would have helped property owners to avoid code violations and remedial expenses. The problems in these instances include installation of fences on corner lots in such a manner that they result in obstructed traffic view paths and inadvertent attachment of sheds to homes, creating a construction that does require a building permit. In the interest of the health and safety of residents and compliance with the Building Code, it seems prudent for the Town to adopt an abbreviated process for informing property owners of Building Code requirements and reviewing unique property and site considerations applicable to fence and accessory storage building constructions.

A policy is proposed whereby the property owner submits a form summarizing the site plans (Zoning and Site Compliance Statement), the Building Official or designee reviews the plan for potential Building Code issues (Zoning and Site Compliance Evaluation), and a "letter to proceed" with appropriate review comments is returned to the property owner by the Town. Examples of fence permits from area communities are attached. An inspection fee of fifteen dollars (\$15.00) would be collected from the property owner at the time of the submittal. If a Statement is not filed prior to commencement of any subject construction, the Zoning and Site Compliance Evaluation and inspection fee would be twice the amount prescribed for timely submissions, in addition to the property owner having to mitigate any Building Code violations.

Legal/Political Considerations:

One possible political consideration arising from the adoption of such a process would be the community response that these constructions are not otherwise subject to the Building Code, so why should the community now need to pay for or engage in any form of review process. As such, it would be beneficial for the review fee to be nominal and the review process to be as efficient as possible. The alternative for the community is strict enforcement of the Town's Building Code and protected ROW sight-line regulations, which may result in more structures and fences being torn down.

Alternatives/Options:

- #1 Make these constructions subject to the Building Code by adopting the attached resolution;
- #2 Require only submission of a letter of intent to the Town with affirmation that property owner has consulted Building Code and knows limitations and risks; or
- #3 Do not adopt a requirement for Town oversight on these constructions, considering that neighboring communities do not require such oversight, and instead aggressively enforce the ROW sight-line and accessory building regulations of the Building Code and Land Use Code to compel removal of any fence or attached accessory building that does not comply.

Financial Considerations:

The nominal cost of reviewing these additional submissions to the Building Division would be covered by the application fee such that there are no additional financial burdens created.

Staff Recommendation:

Staff is seeking direction from the Board on this matter. If the Board decides that the Town should adopt this procedure, a draft resolution is attached.